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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji SATO, et al.
Application No. : 08/750,641
Filing Date : 16 December 1996
Title : SCHEDULE SETTING AND PROCESSING SYSTEM
Art Unit : Office of Petitions
Examiner : L. Walsh

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF
JUDITH M. RUSSO

I, the undersigned, Judith M. Russo, make this declaration in support of the Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR § 1.137(b) for the above identified application.

1. From about November 6, 2002, I have been an employee of Kenyon & Kenyon LLP ("Kenyon") in Kenyon's Washington, DC office. My current title is Intellectual Property Support Coordinator.

2. I currently supervise the operation of Kenyon's computerized docketing system for Kenyon's Washington DC office. I am one of over a dozen employees in Kenyon's docketing department.

3. On July 10, 2008, to my recollection, I was consulted by Ingrid Hodge regarding the possible abandoned status of U.S. Patent Application Serial No. 08/750,641 ("641").

4. I have examined the docketing records for '641, and see no evidence that Kenyon received a paper or communication prior to July 2008 indicating that '641 was abandoned. A copy of the docketing report for '641 as of September 15, 2008 is attached as Exhibit 1 to this declaration.

5. As of July 10, 2008, Kenyon's electronic docketing system listed '641 as a pending application and as "PTO lost file-awaiting OA," where "OA" means "Office Action." Kenyon's electronic docketing system indicates that the "PTO lost file-awaiting OA" status was entered into the system on July 15, 2002.

6. A "PTO lost file-awaiting OA" status would appear on various docketing reports, but such a status would not directly prompt the need for action by a prosecuting attorney, as such status makes it clear that Kenyon is awaiting an Office Action from the USPTO.

7. Prior to July 10, 2008, neither the USPTO, nor anyone at Kenyon advised me that '641 had been abandoned.

8. To my knowledge and belief, the entire delay in filing the required reply for '641 from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

I declare that all of the above statements made based on my own knowledge are true and that all of the above statements that were made on information and belief are believed to be true, and further declare that these statements are made with the knowledge that knowing, willful and materially false statements, as are defined under Section 1001 of Title 18 of the United States Code, are punishable by fine, imprisonment, or both under Section 1001, and that such statements may affect the validity of the any patent issuing from '641 if the application is revived.

Dated: 12-10-08

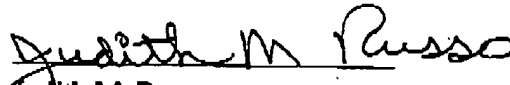

Judith M. Russo

EXHIBIT 1 TO RUSSO DECLARATION

IPG Patent
Kenyon & Kenyon

Patent Jacket Data Sheet

S. O'DOWD
DANIEL G. SHANLEY

P25830 US#
Client Ref
Office DC

I. SCHEUGENPFLUG

Title SCHEDULE SETTING AND PROCESSING SYSTEM

Prosecution Particulars				Parties	
Prosecution Status	Live - Pending			Applicant/Regd.	TOYOTA JIDOSHA KABUS
Priority Claimed	6-298290	01-Dec-1994	Japan	Inventor	KIZU, Masakuni
Parent	PCT/JP93/02459	01-Dec-1995	WFO	Inventor	MORITA, Makoto
Application	08/750641	01-Dec-1995	US [PCT]	Inventor	SATO, Keji
Filed on		16-Dec-1995		Inventor	YAMASHITA, Masanobu
Publication				Real/Frame	8387 / 229
Allowed					
Grant Fees Paid					
Grant					
Expiry					
Agent	KENYON N.Y.				

Renewal Particulars							
Renewal Status	Pre-Grant						
Annuitly							
Next Due							
Next Cost							
Cost Remain Life							
Comm Date	Communication / Action	Due Date	Last Date	Response Filed			
16-Dec-1996	30 MONTH NATIONAL PHASE APPLIC	16-Dec-1996	16-Dec-1996	16-Dec-1996			
16-Dec-1996	IDS Due	16-Dec-1996	16-Dec-1996	16-Dec-1996			
16-Dec-1996	Preliminary Amendment	16-Dec-1996	16-Dec-1996	16-Dec-1996			
16-Dec-1996	Recordal	16-Dec-1996	16-Dec-1996	16-Dec-1996			
14-Feb-1997	NOTICE OF ACCEPTANCE OF APPLIC						
14-Mar-1997	Filing Receipt						
16-Mar-1997	IDS - suppl IDS	16-Mar-1997	16-Mar-1997	16-Mar-1997			
07-May-1997	Recordal	07-May-1997	07-May-1997	07-May-1997			
02-Jun-1997	IDS - suppl IDS	02-Jun-1997	02-Jun-1997	02-Jun-1997			
27-Jun-1997	IDS - suppl IDS	27-Jun-1997	27-Jun-1997	27-Jun-1997			
04-Sep-1998	IDS - suppl IDS	04-Sep-1998	04-Sep-1998	04-Sep-1998			
17-Mar-1999	IDS - suppl IDS	17-Mar-1999	17-Mar-1999	17-Mar-1999			
12-Oct-1999	Ext of Time Requested	12-Oct-1999	12-Oct-1999	12-Oct-1999			
09-Nov-1999	Respond to Official Action	09-Nov-1999	09-Nov-1999	12-Oct-1999			
23-Nov-1999	R118 Response to Final Dup	23-Jan-2000	23-Jan-2000	23-Feb-2000			
23-Nov-1999	Notice of Appeal Due	23-Feb-2000	23-May-2000	15-Mar-2000			
	CPA App'n. Filed	15-Mar-2000	15-Mar-2000	15-Mar-2000			
	Suppl. Info. Disc. State.	15-Mar-2000	15-Mar-2000	15-Mar-2000			
06-Sep-2000	Status Inquiry	06-Sep-2000	06-Sep-2000	06-Sep-2000			
	File IDS per 11/13/03 agent let	05-Dec-2003	05-Dec-2003	16-Nov-2003			
09-Sep-2004	Supplemental IDS Filed	09-Sep-2004	09-Sep-2004	09-Sep-2004			
15-Sep-2004	Letter to PTO	15-Sep-2004	15-Sep-2004	15-Sep-2004			
06-Aug-2006	Petition Filed	06-Aug-2006	06-Aug-2006	06-Aug-2006			
06-Aug-2006	Request Continued Examination	06-Aug-2006	06-Aug-2006	06-Aug-2006			
	Advisory Action Received	29-Feb-2000	29-Feb-2000				
	PTO lost file-examining OA	16-Jul-2002	15-Jul-2002				
12-Sep-2006	Decision on Petition - Dismissal		12-Sep-2006				

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Proprietor
Kenyon & Kenyon

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10-Sep-2008 Response Re Petition due

10-Nov-2008 10-Mar-2009

Updated on MM/DD/YYYY Update Printed 15 Sep 2008

7/1/08 Patent Jacket Sheet

7/7/02/23

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